

1 KAMALA D. HARRIS
Attorney General of California

2 DIANN SOKOLOFF

Supervising Deputy Attorney General

3 SUSANA A. GONZALES

Deputy Attorney General

4 State Bar No. 253027

1515 Clay Street, 20th Floor

5 P.O. Box 70550

Oakland, CA 94612-0550

6 Telephone: (510) 622-2221

Facsimile: (510) 622-2270

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-725**

12 **SHARON NOREEN NORTON, a.k.a.**

13 **SHARON NOREEN MEADS, a.k.a.**

14 **SHARON HOSKINS**

1754 Mt. Olive Drive

Santa Rosa, CA 95404

15 **Registered Nurse License No. 642386**

ACCUSATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 5, 2004, the Board of Registered Nursing issued Registered
24 Nurse License Number 642386 to Sharon Noreen Norton, also known as Sharon Noreen Meads,
25 also known as Sharon Hoskins (Respondent). The Registered Nurse License was in full force and
26 effect at all times relevant to the charges brought in this Accusation and will expire on November
27 30, 2011, unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board),

Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811, subdivision (b), of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 492 of the Code states:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

1 "This section shall not be construed to apply to any drug diversion program operated by any
2 agency established under Division 2 (commencing with Section 500) of this code, or any
3 initiative act referred to in that division."

4 STATUTORY PROVISIONS

5 9. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ...

10 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
11 functions, and duties of a registered nurse, in which event the record of the conviction shall be
12 conclusive evidence thereof."

13 10. Section 2762 of the Code states, in pertinent part:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 ...

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof."
28

1 11. Section 490 of the Code provides, in pertinent part, that a board may suspend or
2 revoke a license on the ground that the licensee has been convicted of a crime substantially
3 related to the qualifications, functions, or duties of the business or profession for which the
4 license was issued.

5 12. California Code of Regulations, title 16, section 1444, states, in pertinent part:

6 "A conviction or act shall be considered to be substantially related to the qualifications,
7 functions or duties of a registered nurse if to a substantial degree it evidences the present or
8 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
9 safety, or welfare."

10 COST RECOVERY

11 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

(Bus. & Prof. Code § 2761, subd. (a))

17 14. Respondent has subjected her registered nurse license to disciplinary action under
18 Code section 2761, subdivision (a), in that on or about August 29, 2008, Respondent was in a
19 vehicle collision and damaged the personal property of another person, then fled the scene of the
20 collision. The circumstances are as follows:

21 15. On or about August 29, 2008, at approximately 1:07 a.m., a Santa Rosa Police officer
22 was dispatched to 729 Brigham Drive in Santa Rosa, California, in response to a reported hit and
23 run. When the officer arrived on the scene, the witness explained to the officer that he was inside
24 of his house when he heard a loud collision and looked outside. The witness observed
25 Respondent's vehicle, a dark SUV, in front of his neighbor's house at 729 Brigham Drive, where
26 his neighbor's vehicle had been parked. Approximately two minutes later, Respondent drove
27 away from the scene and the witness noticed that his neighbor's vehicle was in the middle of the
28

1 street and that its rear end was smashed in. While conducting his investigation at the scene of the
2 accident, the officer found the entire front grill of a red Mitsubishi. The officer drove around the
3 neighborhood in search of a damaged vehicle matching the grill he found at the scene. After
4 about 15 minutes, the officer located a severely damaged Mitsubishi Montero parked in the
5 driveway of a residence on Mt. Olive Drive. The officer parked in front of the residence and as
6 he exited his vehicle at approximately 2:10 a.m., Respondent emerged from the house and asked
7 the officer if he needed something. Respondent initially denied any involvement in a collision,
8 however when the officer questioned her about the damaged vehicle parked in the driveway and
9 the fact that its engine was still warm, Respondent told the officer that she was afraid to admit her
10 involvement in the accident because she had been texting while driving and missed a stop sign.
11 Respondent took full responsibility for the collision and explained to the officer how it occurred.
12 Respondent clipped a small tree in front of 715 Brigham Avenue and then struck a speed limit
13 sign and a vehicle parked in front of 729 Brigham. Respondent told the officer that she had not
14 been drinking prior to the accident, but she began drinking once she arrived home because she
15 was so upset about the collision.

16 SECOND CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)
18 (Bus. & Prof. Code §§ 2761, subd. (a), 2762 subd. (b))

19 16. Respondent has subjected her registered nurse license to disciplinary action under
20 Code section 2761, subdivision (a), as defined by Code section 2762, subdivision (b), in that she
21 engaged in unprofessional conduct by using alcohol in a dangerous manner. The circumstances
22 are as follows:

23 17. On or about July 18, 2010, at approximately 6:45 p.m., two officers from the Santa
24 Rosa Police Department (Officer 1 and Officer 2) were dispatched to 1754 Mt. Olive Drive in
25 Santa Rosa, California, in response to a report by Respondent's husband that Respondent was
26 making suicidal threats. Respondent's husband also reported that Respondent was difficult to
27 understand because she sounded intoxicated. As Officer 1 and Officer 2 arrived at 1754 Mt.
28 Olive Drive, they witnessed a black Saab pull out of the driveway. Officer 2 asked dispatch to

1 check what type of vehicle Respondent owned, and dispatch informed the officers that
2 Respondent owned a black Saab. As the vehicle approached the officers, Officer 1 observed that
3 a woman was driving the black Saab, and Officer 1 believed that the woman was Respondent.
4 Officer 2 activated the overhead lights and initiated an investigation into the alleged suicidal
5 threats. Officer 1 contacted Respondent and explained that the officers were checking on her
6 welfare due to the statements she had made to her husband. Respondent denied making suicidal
7 threats and told Officer 1 that her husband just wanted to get her into trouble. As Officer 1 spoke
8 with Respondent, he noticed that she had blood-shot and watery eyes, slurred speech, and she
9 smelled like alcohol. Respondent admitted to Officer 1 that she had been drinking. Officer 1
10 asked Respondent a series of DUI investigation questions, and Respondent admitted that she felt
11 the effects of the alcohol that she had consumed. Respondent stated that she would not be driving
12 if there were someone who could get her cigarettes. Respondent performed a series of field
13 coordination tests which indicated that she was under the influence of an alcoholic beverage.
14 When Officer 1 requested that Respondent take the preliminary alcohol screening test,
15 Respondent refused, stating that she knew that she would fail the test. Based upon her poor
16 performance on the field coordination tests, Officer 1 placed Respondent under arrest for driving
17 under the influence. Officer 1 advised Respondent of informed consent and Respondent chose to
18 take the breath test. Officer 1 used the Evidential Portable Alcohol System to conduct the breath
19 test at the scene. Respondent took the test twice, and the results of both tests showed that
20 Respondent had a blood alcohol content of .22 percent. Respondent was transported to the Santa
21 Rosa Main Jail, where she admitted to the jail staff that she was suicidal and she was placed in a
22 safety cell.

23 THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Conviction)

24 (Bus. & Prof. Code §§ 490, 2761, subd. (f), 2762, subd. (c); Cal. Code Regs, tit. 16, § 1444)

25 18. Complainant realleges the allegations contained in paragraphs 16 and 17 above, and
26 incorporates them by reference as if fully set forth.
27
28

19. Respondent has subjected her registered nurse license to disciplinary action under Code sections 490, 2761, subdivision (f), and 2762, subdivision (c), within the meaning of California Code of Regulations, title 16, section 1444, in that she was convicted of a crime involving the consumption of alcohol which is substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are that on or about July 20, 2010, in a criminal matter entitled *The People of the State of California v. Sharon Noreen Meads*, in Sonoma County Superior Court, Case Number CR-586-807, Respondent was convicted by plea of nolo contendere of one count of violating Vehicle Code section 23152, subdivision (b) (driving under the influence with a blood alcohol content of .08 percent or more), a misdemeanor, with a special enhancement of Vehicle Code sections 23578 and 23538, subdivision (b)(2) (driving with a blood alcohol concentration of .20 percent or more). Respondent was sentenced to two days in jail and three years of probation. Respondent was also ordered to: (1) be of good conduct and obey all laws; (2) not commit any criminal offense; (3) not refuse a blood alcohol test; (4) not drive with any measureable amount of alcohol in her blood; (5) enroll in and complete the First Offender Drinking Driver Program; and (6) pay restitution and fines.

PRAYER

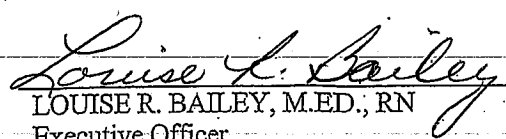
WHEREFORE, Complainant requests that a hearing be held on the matters alleged, in this Accusation and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 642386, issued to Sharon Noreen Norton, also known as Sharon Noreen Meads, also known as Sharon Hoskins;
2. Ordering Sharon Noreen Norton, also known as Sharon Noreen Meads, also known as Sharon Hoskins to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: 2/23/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2010900530
90177298.doc